



Senior water rights upheld in 2015 Court Case against State Water Board

In spite of victory, much work remains

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All senior water-right holders across California – which includes Merced Irrigation District – won a significant court victory this week.

The 6th District Court of Appeals has ruled in favor of a group of public agencies serving both municipal and agricultural water supplies. The agencies had challenged the State Water Resources Control Board’s curtailment of their senior water rights in 2015. The State Water Board is the same entity currently attempting to take half of the local water supplies away from eastern Merced County and send it to the Bay Delta where it can benefit other communities and farms (junior-water-right holders).

Specifically, the case involved a State Water Board order curtailing senior water rights during drought conditions in 2015. The state’s order was framed as an "emergency action" necessary to mitigate drought conditions. Several water and irrigation districts sued in state court to challenge the State Water Board’s authority.

The trial court found in favor of the public agencies. The State Water Board then appealed the decision. On Tuesday, the Court of Appeals upheld the ruling, agreeing with the trial court that the State Water Board lacks curtailment authority over senior-water-right holders.

“Common sense and an understanding of existing water law prevailed this week on this particular issue,” said MID General Manager John Sweigard. “We still have significant work ahead of us.”

Generally under California law, disputes involving senior water rights are left for those water right holders to resolve between themselves or in the courts – not by the State Water Board.

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